

# Order

Michigan Supreme Court  
Lansing, Michigan

April 5, 2006

128924  
128925

Clifford W. Taylor,  
Chief Justice

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 128924, 128925  
COA: 252872, 253861  
Kent CC: 03-002380-FH

DAVID RONALD ECKMYRE,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the May 3, 2005 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

KELLY, J., would peremptorily reverse the judgment of the Court of Appeals and remand for a new trial based on the trial judge's failure to give an instruction on the burden of proof.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

April 5, 2006

*Corbin R. Davis*

Clerk